

Application No.: 10/656,122Docket No.: 4006-265

REMARKS

Claims 14-17 and 20-27 are now pending in the application. Claims 1-13 have been indicated by the Examiner to be withdrawn from consideration, claims 14-16 have been amended and claims 1-13 and 18-19 have been cancelled. Support for the foregoing amendments may be found throughout the written description, drawings and claims, as originally filed.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 14-15 and 17-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kubota et al. (US 6,771,334).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP 2131)

With particular reference to Kubota, the Examiner notes that the reference teaches using a rubbing process to form a multi-domain liquid crystal layer in column 4, lines 17-19. However, such rubbing process must use a mask also described in column 4, lines 17-19. In other words, a mask is required for forming a multi-domain liquid crystal layer when using a rubbing process in the manner taught by Kubota.

In contrast to the foregoing cited reference, in the claimed invention of amended claim 14, two rubbing processes with different rubbing forces are sequentially applied to the

Application No.: 10/656,122**Docket No.: 4006-265**

orientation layer. A first rubbing force is applied to the whole orientation layer to define a first orientation direction and a second rubbing force is applied to selected regions of the orientation layer to change the first orientation direction to a second different orientation direction. In other words, according to the now claimed invention, the different orientation directions are formed in the orientation layer by applying different rubbing forces to the orientation layer. Therefore, a mask is not required in the rubbing process of the claimed invention.

Accordingly, applicant respectfully submits that independent claim 14 as amended is allowable over the art of record and respectfully requests that the 35 U.S.C. § 102(e) rejection of claim 14 be reconsidered and withdrawn. In addition, the 35 U.S.C. § 102(e) rejection of claims 15~17 and 19, which depend from claim 14, should be withdrawn as well.

Reconsideration and withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

When applying 35 U.S.C. 103, the claimed invention must be considered as a whole. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota in view of Arai (US 6717641). Claim 16 depends from amended claim 14 and should be considered patentable for the reason advanced with respect to claim 14.

As stated above, amended claim 14 is patentable over Kubota. Moreover, Arai does not disclose applying different rubbing forces to the orientation layer to form two different orientation directions. That is, even if the references are combinable in the manner proposed by the Examiner, the references do not teach the added feature of claim 14.

Therefore, the added feature of claim 14 produces unexpected results and hence is patentable over the references. Accordingly, applicant respectfully submits that claim 14 and

Application No.: 10/656,122Docket No.: 4006-265

claim 16 depending therefrom are allowable over the art of record and respectfully requests that the 35 U.S.C. § 103(a) rejection of claim 16 be reconsidered and withdrawn.

NEW CLAIMS

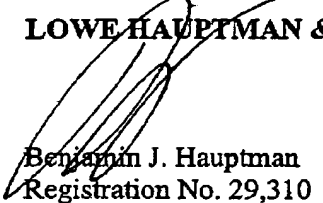
The new claims are patentable over the applied references, because newly added independent claim 20 includes a continuous wave surface, as shown in figure 3 and figure 4B, that is not disclosed or taught by *Kubota*. *Kubota* only teaches a step type surface as shown in figure 3. Therefore, newly added claims 20-27 are also patentable over the references.

Application No.: 10/656,122Docket No.: 4006-265**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP
Benjamin J. Hauptman
Registration No. 29,310

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 BJH/KL/jk/klb
(703) 518-5499 Facsimile
Date: September 2, 2005

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September 2, 2005
DATE571-273-8300
FACSIMILE NUMBER